

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of
MARIANO MENDOZA,

Complainant-Appellee,

and
ROYAL LAHAINA RESORT,

Respondent-Appellant,

and
DIRECTOR, DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS,

Appellee.

CASE NO. OSH 2011-16
ORDER NO. 454
PRETRIAL ORDER

PRETRIAL ORDER

Pursuant to the initial conference in this matter held by the Hawaii Labor Relations Board (Board) on November 15, 2011, and attended by David F. Simons, Esq., for Complainant-Appellee, Richard M. Rand, Esq., for Respondent-Appellant, and Lawrence Nakano, Deputy Attorney General, for Appellee, IT IS HEREBY ORDERED THAT:

1. The issues to be determined at trial are as follows:
 - A. Whether Respondent-Appellant discriminated against Complainant-Appellee for engaging in protected activity, in violation of HRS § 396-8(e)?
 - B. If so, whether the relief and penalty imposed are appropriate?
2. The deadline for filing of the parties' final naming of witnesses is **February 1, 2012**. Each party shall provide a list of the names of witnesses it plans to call at trial, along with each witness's addresses and the general subject to which the witness will testify, to the other party and to the Board by this date.

3. The parties may engage in discovery without prior motion or showing of good cause. The discovery cutoff date is **February 15, 2012**. The discovery cut-off is the date by which all responses to written discovery, including requests for admissions, shall be due and by which all depositions shall be concluded. The parties are advised to initiate discovery requests and notice depositions sufficiently in advance of the cut-off date to comply with this requirement.
4. Trial in this matter is scheduled for **March 20 - 22, 2012 at 9:00 a.m.**, in the Board's hearing room located at Room 434, 830 Punchbowl Street, Honolulu, Hawaii, 96813. The trial will continue from day-to-day until completed. The parties shall submit to the Board four copies of all exhibits identified and offered into the record. Additional copies for opposing counsel or parties shall also be provided.
5. Hereafter, this Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED: Honolulu, Hawaii, _____ November 16, 2011 _____.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



SESNITA A.D. MOEPONO, Member



ROCK B. LEY, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees, if any, at least five working days prior to the trial date.

Copies sent to:

David F. Simons, Esq.
Richard M. Rand, Esq.
Lawrence Nakano, Deputy Attorney General